

**FINAL STATEMENT OF REASONS**  
**FOR**  
**PROPOSED BUILDING STANDARDS**  
**OF THE**  
**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**  
**REGARDING THE CALIFORNIA MECHANICAL CODE**  
**CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4**

The Administrative Procedure Act requires that every agency shall maintain a file of each rulemaking that shall be deemed to be the record for that rulemaking proceeding. The rulemaking file shall include a final statement of reasons. The Final Statement of Reasons shall be available to the public upon request when rulemaking action is being undertaken. The following are the reasons for proposing this particular rulemaking action:

**UPDATES TO THE INITIAL STATEMENT OF REASONS**

(Government Code Section 11346.9(a)(1) requires an update of the information contained in the initial statement of reasons. If update identifies any data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying that was not identified in the initial statement of reasons, the state agency shall comply with Government Code Section 11347.1)

No data or any technical, theoretical or empirical study, report, or similar document on which the state agency is relying has been added to the rulemaking file that was not identified in the Initial Statement of Reasons.

The Department of Housing and Community Development (HCD) has made non-substantive, grammatical, or editorial language revisions to the section listed below. At the direction of the California Building Standards Commission (CBSC), banners have been inserted to identify HCD's application of the amendments, and scoping language has been removed to provide consistency with other codes and clarity to the code user. A sufficiently related change has been made to the following: Section 601.2.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

(Pursuant to Government Code Section 11346.9(a)(2), if the determination as to whether the proposed action would impose a mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the finding(s))

The Department of Housing and Community Development has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

## **OBJECTIONS OR RECOMMENDATIONS MADE REGARDING THE PROPOSED REGULATION(S)**

(Government Code Section 11346.9(a)(3))

The following is HCD's summary of and response to comments specifically directed at the agency's proposed action or to the procedures followed by the agency in proposing or adopting the actions or reasons for making no change:

### **COMMENTS 1 – 10 WERE RECEIVED DURING THE 45-DAY COMMENT PERIOD AND SUBSEQUENT 15-DAY POST-HEARING MODIFICATIONS COMMENT PERIOD.**

(The text with proposed changes clearly indicated was made available to the public from September 1, 2006 until October 16, 2006, and from October 26, 2006 until November 9, 2006 for the post-hearing modifications.)

- 1. COMMENTER:** Jeff Henning  
msdchvac@aerosurf.net

**COMMENT: EM-1, Section 601.2:** The commenter does not agree with HCD's proposed change to Section 601.2 which, if adopted, would not require duct sizing for duct systems which do not have a requirement to introduce outside air to the system.

**RESPONSE:** HCD received comments regarding the importance of duct sizing, and for the most part agrees with the rationale of those comments. HCD believes and has always believed that a properly sized duct system will provide more comfort, better efficiency and increased longevity over the life cycle of space conditioning systems used in all residential construction. However, HCD has also received past comments about inappropriate and excessive enforcement and use of this section.

HCD is concerned about the burden that additional required duct sizing may place on property owners, builders, and mechanical contractors if not enforced from a common sense approach at the local level. HCD believes that contractors are currently responsible for installing mechanical equipment in compliance with the manufacturer's instructions; otherwise, no additional duct sizing should be required.

HCD's authority extends statewide and covers all newly constructed housing within the State of California. It is not limited to production housing or individually designed and built housing, therefore a standard practice for one may not apply to the other. For individually designed housing, it may not be possible for a duct sizing calculation to be accurately completed until the contractor arrives at the construction site and is able to determine the exact routing of the duct system. If not approached with common sense, this unknown could result in the need to re-do a calculation previously prepared as a requirement for permit issuance and could result in added expense and delay.

In addition, HCD believes that mandatory additional sizing for existing duct systems during repair or replacement of a furnace, condensing unit or evaporative coil is an unwarranted burden and violation of the State Housing Law relating to maintaining an existing system which is not substandard and was installed in compliance with requirements in effect then. Again, if required to meet manufacturer's requirements, a contractor will do this work anyway.

At this time, HCD has evaluated all information received to date and is proposing to modify the initial proposal to exempt only existing duct systems from this section. HCD has

evaluated past complaints regarding this topic and determined that due to the geographical nature of these complaints it does not seem to be a statewide issue at this time.

2. **COMMENTER:** Bill Pennington  
Manager, Buildings and Compliance Office  
California Energy Commission  
1516 Ninth Street, MS 25  
Sacramento, CA 95814

**COMMENT: EM-2, Section 601.2:** The commenter does not agree with HCD's proposed change to Section 601.2 which, if adopted, would not require duct sizing for duct systems which do not have a requirement to introduce outside air to the system.

**RESPONSE:** See response to comment EM-1.

3. **COMMENTER:** Richard Skaff  
Executive Director  
Designing Accessible Communities  
303 Ashton Lane  
Mill Valley, CA 94941

**COMMENT: EM-3, Miscellaneous sections in Chapter 1:**

**RESPONSE:** HCD acknowledges the comment received pertaining to the Division of the State Architects rulemaking. The comment is not specific to a proposed amendment, or repeal of regulations that are being proposed by HCD, and no new code changes have been proposed to HCD's rulemaking package as a result of this comment.

4. **COMMENTER:** Susan Chandler (Barnhill)  
Baronhill@aol.com

**COMMENT: EM-4, Miscellaneous sections in Chapter 1, this comment is the same as EM-3:**

**RESPONSE:** See response to comment EM-3.

5. **COMMENTER:** Connie Arnold  
Disability Policy Consultant  
3328 Mayten Way  
Elk Grove, CA 95758

**COMMENT: EM-5, Miscellaneous sections in Chapter 1, this comment is the same as EM-3:**

**RESPONSE:** See response to comment EM-3.

6. **COMMENTER:** Rob Falke  
President  
National Comfort Institute  
(800) 633-7068

**COMMENT: EM-6, Section 601.2:** The commenter does not agree with HCD's proposed change to Section 601.2 which, if adopted, would not require duct sizing for duct systems which do not have a requirement to introduce outside air to the system.

**RESPONSE:** See response to comment EM-1.

7. **COMMENTER:** Wesley R. Davis  
Manager, Technical Services  
Air Conditioning Contractors of America  
2800 Shirlington Road, Suite 300  
Arlington, VA

**COMMENT: EM-7, Section 601.2:** The commenter does not agree with HCD's proposed change to Section 601.2 which, if adopted, would not require duct sizing for duct systems which do not have a requirement to introduce outside air to the system.

**RESPONSE:** See response to comment EM-1.

8. **COMMENTER:** George I. Rodriguez  
Chairman, ACCA - California  
Air Conditioning Contractors of America  
(562) 926-7488

**COMMENT: EM-8, Section 601.2:** The commenter does not agree with HCD's proposed change to Section 601.2 which, if adopted, would not require duct sizing for duct systems which do not have a requirement to introduce outside air to the system.

**RESPONSE:** See response to comment EM-1.

9. **COMMENTER:** Andrew Kelly  
Professional Mechanical Engineer  
PG&E Gas Engineer  
(408) 781-0878

**COMMENT: EM-9, No specific section provided:** The commenter believes that outside combustion air should be introduced to the interior of a dwelling when renovations are done to an existing structure.

**RESPONSE:** HCD adopts by reference the Uniform Mechanical Code (UMC) published by the International Association of Plumbing and Mechanical Officials. Chapter 7 of the UMC contains standards for combustion air in both existing and new construction which are developed nationally by experts in the heating industry. In addition to other UMC requirements, forced air heating systems are required to comply with the manufacturer's installation instructions regarding re-circulation air and supply air. HCD relies on the UMC, the manufacturer's installation instructions, and installations in compliance with those provisions to provide safe installations of all heating equipment. In addition, HCD is not proposing a California amendment for combustion air and believes that the comment is outside the scope of this rulemaking.

6. **COMMENTER:** Bill Pennington  
Manager, Buildings and Compliance Office  
California Energy Commission  
1516 Ninth Street, MS 25  
Sacramento, CA 95814

**COMMENT: EM-10, Section 601.2:** The commenter originally submitted comment EM-2 above expressing opposition to HCD's proposed amendment to Section 610.1. With this comment, the commenter is expressing agreement with the revisions HCD has made in response to the original comment.

**RESPONSE:** See response to comment EM-1.

#### **DETERMINATION OF ALTERNATIVES CONSIDERED AND EFFECT ON PRIVATE PERSONS**

(Government Code Section 11346.9(a)(4))

The Department of Housing and Community Development has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the adopted regulation

The California Mechanical Code is Part 4 of Title 24 of the California Code of Regulations, known as the California Building Standards Code, which is based upon model codes developed by private not-for-profit code organizations that maintain a code development and update mechanism, publish and sell their codes, and provide support services.

Health and Safety Code Section 17922 directs the Department of Housing and Community Development (HCD) to adopt the most recent edition of the Uniform Mechanical Code (UMC) published by the International Association of Plumbing and Mechanical Officials (IAPMO) into Part 4 of Title 24 of the California Code of Regulations.

The membership of this association is composed of representatives of all facets of the building industry. They include building contractors, inspectors, building officials, engineers, architects, designers, manufacturers, wholesalers and consumers.

#### **CBSC Direction – Adopt the 2006 UMC**

In 2005, the CBSC directed HCD to propose amendments, if necessary, which would be placed into the 2006 UMC for adoption as the 2007 CMC in Title 24, Part 4 of the CCR.

It is necessary for HCD to review the 2006 UMC prior to proposing amendments in order to incorporate the most recent changes to state and federal laws, provisions, and regulations as amendments to address unique California conditions.

HCD does not believe that the proposed amendments to the 2006 UMC have a significant adverse impact on California business and individuals, including the ability of California businesses to compete with business in other states; affect the creation of or elimination of jobs within California; affect the creation of or elimination of existing business within the state of California; or affect the expansion of businesses currently doing business within the State of California.

Due to the series of reviews by representatives of business and the community that these proposed model codes are subjected to, prior to and after HCD's review, and since there were no alternatives proposed to HCD as a result of the Public Comment Period, HCD has no reason to believe that there is an alternative to these regulations that would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the adopted regulations.

**REJECTED PROPOSED ALTERNATIVE THAT WOULD LESSEN THE ADVERSE ECONOMIC  
IMPACT ON SMALL BUSINESSES**

(Government Code Section 11346.9(a)(5))

No proposed alternatives were received by the Department of Housing and Community Development that would lessen the adverse economic impact on small businesses.